

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARILYN CLARK, Derivatively On Behalf :
of E*TRADE FINANCIAL CORPORATION, :

Plaintiff, :

vs. :

MITCHELL H. CAPLAN, R. JARRETT :
LILIEN, ROBERT J. SIMMONS, GEORGE :
A. HAYTER, DARYL BREWSTER, :
RONALD D. FISHER, MICHAEL K. PARKS, :
C. CATHLEEN RAFFAELI, LEWIS E. :
RANDALL, DONNA L. WEAVER and :
STEPHEN H. WILLARD, :

Defendants, :

-and- :

E*TRADE FINANCIAL CORPORATION, a :
Delaware corporation, :

Nominal Defendant. :

x

Case No.

RULE 7.1 STATEMENT



Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Marilyn Clark, Derivatively On Behalf of E*Trade Financial Corporation (a private non-governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held:

No corporate parent

No publicly held affiliates or subsidiaries

Date: October 4, 2007

Signature of Attorney Thomas G. Omon

Attorney Bar Code: TGA 1515